

House Bill 52

By: Representative Teilhet of the 40th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general provisions of labor and industrial relations, so as to provide that an employer shall allow an employee who is a victim of a crime to take unpaid leave to attend judicial proceedings related to the crime; to provide that it shall be unlawful for an employer to penalize an employee who is absent from employment to attend judicial proceedings related to the crime; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general provisions of labor and industrial relations, is amended by inserting immediately after 34-1-3 a new Code Section 34-1-3.1 to read as follows:

"34-1-3.1.

(a) An employer that has ten or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year or any agent of that employer shall allow an employee who is a victim of a crime to be absent from employment so as to be present at judicial legal proceedings related to the crime, when such presence is not compelled by subpoena, summons for jury duty, or other court order or process.

(b) An employer shall not dismiss an employee who is a victim of a crime because the employee is absent from employment pursuant to subsection (a) of this Code section.

(c) An employer is not required to compensate an employee who is a victim of a crime when the employee is absent from employment pursuant to subsection (a) of this Code section.

(d) If an employee is absent from employment pursuant to subsection (a) of this Code section, the employee may elect to use or an employer may require the employee to use the employee's accrued paid vacation, personal leave, or sick leave.

1 (e) An employee who is a victim of a crime shall not lose seniority or precedence while
2 absent from employment pursuant to subsection (a) of this Code section.

3 (f) Before an employee may leave work pursuant to subsection (a) of this Code section,
4 he or she shall provide the employer with a copy of the notice of each scheduled
5 proceeding that is provided to the victim by the agency that is responsible for providing
6 notice to the victim.

7 (g) An employer shall keep confidential records regarding the employee's leave pursuant
8 to this Code section.

9 (h) An employer may limit the leave provided under this Code section if the employee's
10 leave creates an undue hardship to the employer's business. An undue hardship shall mean
11 a significant difficulty and expense to a business and includes the consideration of the size
12 of the employer's business and the employer's critical need of the employee.

13 (i) It shall be unlawful for an employer or an employer's agent to discharge, discipline, or
14 otherwise penalize an employee because the employee is absent from employment pursuant
15 to subsection (a) of this Code section. It shall be unlawful for an employer or an
16 employer's agent to threaten to take or communicate an intention of taking any action
17 declared to be unlawful by this subsection.

18 (j) Any employer or employer's agent that violates subsection (a) of this Code section shall
19 be liable to the injured employee for all actual damages thereby suffered by the employee
20 and for reasonable attorney's fees incurred by the employee in asserting a successful claim
21 under this Code section."

22 **SECTION 2.**

23 All laws and parts of laws in conflict with this Act are repealed.